

### **REMARKS**

Claim 1 has been amended. Claim 6 has been canceled and its subject matter incorporated into Claim 1. Claims 13 – 19, directed to a non-elected invention, have been canceled. Claims 20 – 31 have been added. Support for the amendment and the additional claims can be found in at least original claims 1 – 12. In light of the above amendments, claims 1 – 5, 7 – 12, and 20 – 31 are currently pending the application.

In the Office Action mailed July 12, 2006, claims 1, 5, and 8 – 12 were rejected under 35 U.S.C. 103(a), while claims 2 – 4, 6, and 7 were objected to as being dependent on a rejected base claim, but were indicated allowable in independent form.

Claims 1, 5, and 8 – 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2000/007161 (Runciman). This rejection is respectfully traversed since Runciman does not disclose, teach, or suggest the features of amended independent claim 1 of, *inter alia*, measuring the scattered radiations of the first and second wavelengths on opposite sides of a measuring volume on a same main axis. As indicated above, claim 6 has been canceled and its subject matter incorporated into claim 1. Claim 6 was indicated allowable in the Office action mailed July 12, 2006.

Claims 2 – 5 and 7 – 12 depend, either directly or indirectly, from independent claim 1 and, therefore, include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claim and for further limitations recited in the claims.

New claim 20 is essentially claim 7 in its independent form. That is, claim 20 includes the limitations of original claims 1 and 7. This subject matter was also indicated allowable in the Office action mailed July 12, 2006. Claims 21 – 31 depend from claim 20 and include subject matter similar to that covered in original claims 2 – 6 and 8 – 12. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claim and for further limitations recited in the claims.

In view of the foregoing, Applicant respectfully requests the Examiner to find the application to be in condition for allowance with claims 1 – 5, 7 – 12, and 20 – 31. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,

/Michael E. Grendzynski/

Michael E. Grendzynski  
Registration No. 54,790

December 6, 2006

EDELL, SHAPIRO & FINNAN, LLC  
1901 Research Boulevard, Suite 400  
Rockville, Maryland 20850-3164  
(301) 424-3640